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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 United States of America,) CR 11-1154-PHX-DGC
10 Plaintiff,) **ORDER**
11 vs.)
12)
13 Alberto Herrera-Arteaga,)
14 Defendant.)
15 _____)

16 Defendant Alberto Herrera-Arteaga has filed a *pro se* “Petition for Concurrency of
17 Probation.” Doc. 30. Defendant was sentenced August 29, 2011, to 51 months in the Bureau
18 of Prisons, followed by three years of supervised release. As part of the plea agreement
19 (Doc. 4), the Court terminated Defendant’s remaining term of supervised release in case
20 CR 08-0030-PHX-DGC.

21 Defendant asks the Court to “run the time pending in [his] probation concurrent with
22 the sentence that [the Court] imposed.” Doc. 30 at 1. His request appears to arise from a
23 failure to understand that his supervised release in his previous case, CR 08-0030-PHX-
24 DGC, was terminated. Although it is not entirely clear from the petition, Defendant appears
25 to be under the impression that the Court imposed a sentence (whether probation or prison)
26 in the prior case (CR 08-0030-PHX-DGC), when in fact that case was terminated without any
27 further sentence. Defendant is therefore under only one sentence at this time, and there is no
28 other undischarged sentence which the Court could consider running concurrently with the

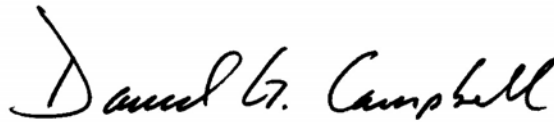
1 prison term imposed in this case, even assuming the Court had jurisdiction to do so.

2 Alternatively, Defendant may be asking the Court to run his prison sentence in this
3 case concurrently with the term of supervised release in this case, rather than allowing it to
4 commence upon the conclusion of his incarceration. There is no provision of law to support
5 such an order. *See* 18 U.S.C. § 3624(e) (“[a] term of supervised release does not run during
6 any period in which the person is imprisoned”).

7 Defendant will be deported following his release from prison in this case. So long as
8 he does not return to the United States illegally during the subsequent three years, he will
9 have no specific requirements to fulfill in order to comply with the terms of his supervised
10 release.

11 **IT IS ORDERED** that the Petition (Doc. 30) is **denied**.

12 DATED this 31st day of May, 2012.

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17 David G. Campbell
18 United States District Judge
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